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and Jane Doe 2*

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

SAGE HUMPHRIES, GINA MENICHINO,
ROSEMARIE DeANGELO, DANIELLE
GUTIERREZ, JANE DOE 1,
and JANE DOE 2

Plaintiffs,

vs.

MITCHELL TAYLOR BUTTON and
DUSTY BUTTON,

Defendants.

Case Number: 2:21-cv-01412-ART-EJY

PLAINTIFFS' MOTION TO SEAL

NOTICE OF MOTION AND MOTION

PLEASE TAKE NOTICE that upon the accompanying Memorandum of Law, Plaintiffs will move this Court for an order to seal certain exhibits to Plaintiffs' Emergency Motion for Sanctions, pursuant to the Protective Orders entered in this case at ECF Nos. 53 and 166.

Dated: July 25, 2024

BOIES SCHILLER FLEXNER LLP

/s/ Sigrid McCawley
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and Jane Doe 2*

MEMORANDUM OF LAW

Federal Rule of Civil Procedure 26(c) gives district courts “broad latitude to grant protective orders to prevent disclosure of materials for many types of information.” *Phillips ex rel. Ests. of Byrd v. Gen. Motors Corp.*, 307 F.3d 1206, 1211 (9th Cir. 2002). Specifically, Rule 26(c) states in relevant part, “[t]he court may, for good cause, issue an order to protect a party or person from annoyance, embarrassment, oppression, or undue burden.” Fed. R. Civ. P. 26. Where, as here, the materials at issue are attached to a “non-dispositive” motion, the strong presumption of public access does not apply, and courts may grant a motion to seal upon a showing of “good cause.” *Navarro v. Eskanos & Adler*, 2007 WL 902550, at *2 (N.D. Cal. Mar. 22, 2007).

First, Plaintiffs respectfully request that the Court grant Plaintiffs’ motion to seal **Exhibit A**, which is a Complaint Defendants filed in another federal court, for two independent reasons. First, the Complaint includes the full names of two of the anonymous Plaintiffs’ family members without redacting that personally identifying information. Under the Protective Order entered by this Court on June 13, 2022, information filed with the Court that might lead to the discovery of certain unnamed Plaintiffs’ identities must be redacted from such a filing or filed under seal. ECF No. 53 ¶ 4. Second, the Complaint reveals confidential information from Jane Doe 1’s medical records and reveals information from Jane Doe 1’s confidential deposition transcript. Both of these materials are “Confidential” pursuant to the Court’s Protective Order and must be filed under seal. ECF No. 166 ¶ 12 (“[I]n filing Confidential Discovery Material with this Court . . . The Parties shall file an unredacted copy of the Confidential Court Submission under seal”); *id.* at ¶ 4 (noting that “medical, mental health and/or other health care records” are “hereby designated as confidential”); *id.* at ¶ 10

1 (“[A] Producing Party or its counsel may designate deposition exhibits or portions of
2 deposition transcripts as Confidential Discovery Material . . .”).

3 In addition, Plaintiffs respectfully request that the Court grant Plaintiffs’ motion to seal
4 **Exhibit B**, which is an excerpt from the June 29, 2023, deposition of Jane Doe 1, which
5 Plaintiffs’ counsel designated as confidential on the record. See ECF No. 166 ¶ 10 (“[A]
6 Producing Party or its counsel may designate deposition exhibits or portions of deposition
7 transcripts as Confidential Discovery Material . . .”).

8 Finally, Plaintiffs respectfully request that the Court grant Plaintiffs’ motion to seal
9 **Exhibit C**, email correspondence with Defendants, which includes Jane Doe 1’s identifying
10 information. Under the Protective Order entered by this Court on June 13, 2022, information
11 filed with the Court that might lead to the discovery of certain unnamed Plaintiffs’ identities
12 must be redacted from such a filing or filed under seal. ECF No. 53 ¶ 4.

14 CONCLUSION

15 For the reasons set forth above, Plaintiffs request that the Court grant the foregoing
16 Motion to Seal.
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1 Dated: July 25, 2024

Respectfully Submitted,

3 BOIES SCHILLER FLEXNER LLP

4 */s/ Sigrid McCawley*

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17 *Attorneys for Plaintiffs Sage Humphries,*

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18 *Danielle Gutierrez, Jane Doe 1,*

and Jane Doe 2

21 IT IS HEREBY ORDERED that Plaintiffs' Motion to Seal (ECF No. 373) is GRANTED.

22 IT IS FURTHER ORDERED that Exhibits A, B, and C to ECF No. 372, filed under seal
23 at ECF No. 374, are and shall remain sealed.

24 Dated this 15th day of August, 2024.

25 

26 Elayna J. Youchak

27 United States Magistrate Judge